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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, DINH Q

ART UNIT PAPER NUMBER

3752

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,462

Applicant(s)

GUSKOV ET AL.

Examiner

Dinh Q. Nguyen

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 14-36, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 14-36, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities: line 1, "claim 1" should read --claim 32--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8, 19, 24, 28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Crum et al.

Crum et al. discloses a system for monitoring a material application system comprising a spray application system 10 at a first location of a spray booth 12, a system monitoring module 32, a communication network 44, formatting real time operating data (column 2, line 25), a remote access module 36 at a second geographic location:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10, 14-16, 18-21, 23-28, 30, 32-34, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn et al. in view of Crum et al.

Jahn et al teaches all the limitations of the claims except for real time operating data. However, Crum discloses real time operating data (column 2, line 25). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Jahn with real time operating data suggested by Crum. Doing so would provide an effective and economical pray system.

6. Claims 8-11, 14-36, 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madden et al. in view of Crum et al.

Madden teaches all the limitations of the claims except for real time operating data. However, Crum discloses real time operating data (column 2, line 25). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Madden with real time operating data suggested by Crum. Doing so would provide an effective and economical pray system.

7. Claims 8-11, 14-36, 38, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Friel et al.

Friel teaches all the limitations of the claims except for real time operating data. However, Crum discloses real time operating data (column 2, line 25). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Friel with real time operating data suggested by Crum. Doing so would provide an effective and economical pray system.

8. Claims 9, 11, 22, 29, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn et al. in view of Crum et al. as applied to claims 8, 10, 14-16, 18-21, 23-28, 30, 32-34, 36, and 37 above, and further in view of Corrigan.

Jahn et al. in view of Crum et al. teach all the limitations of the claims except for the use of the Internet. However, Corrigan discloses a paint matching and spraying system wherein the data is transmitted over the Internet (column 6, lines 12-22). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Jahn and Crum et al. with the Internet as suggested by Corrigan. Doing so would provide to reduce communication cost and allow the greater distance for the spraying locations.

Response to Arguments

9. Applicant's arguments filed July 25, 2004 have been fully considered but they are not persuasive.

10. Applicant's arguments with respect to claims 8-11, 14-36, 38-39 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

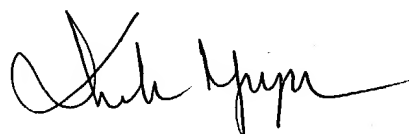
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3752

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q Nguyen whose telephone number is (703) 305-0248 (until November 21, 2004). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 5:00 PM. Effective on November 22, 2004, the telephone number will be (571) 272-4907 and the fax number will be (571) 273-4907.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dinh Q Nguyen
Primary Examiner
Art Unit 3752

dqn